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REMARKS

Claims 10-12 and 15-17 were rejected in an Office Action mailed November 12, 2003. Applicants respectfully request reconsideration of the present application in view of the following remarks.

I. Rejection Under 35 U.S.C. §112

Claims 10-12 and 15-17 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants respectfully traverse this rejection.

Specifically, it was stated in the Office Action that these claims "are indefinite for claiming the invention in terms of physical properties rather than chemical or structural features that produce said properties." Further, it was stated that in "the instant case, the claims are not sufficiently described in terms of structure and/or composition to clearly identify the actual invention."

Applicants submit the claims contain terms that an artisan of skill in the art would clearly recognize to be representative and descriptive of structural features of the articles, not merely desired properties. Moreover, applicants submit that such terms are described in the specification in a clear manner so that an artisan of skill would clearly be able to practice the invention without any undue experimentation.

Accordingly, applicants submit that the claims are clear and distinctly claim unique features which would be apparent to an artisan of skill in the art. Accordingly, applicants submit that this rejection should be withdrawn.

II. Rejections Under 35 U.S.C. §102/103

Claims 10, 11 and 15-17 were rejected under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being unpatentable over JP 06-047363, in the name of Chikamori. Moreover, claim 12 was rejected under 35 U.S.C. §103 (a) as being unpatentable over the cited Chikamori patent. Applicants respectfully traverse this rejection.

Initially, applicant submit that the characterization of the teachings of Chikamori in the Office Action requires correction. Specifically, the Chikamori device is used to cover landfill material and prevent, or insulate, the material from anaerobic decomposition which causes odor and contaminates groundwater. Accordingly, it is described that the Chikamori material insulates the disposed waste and prevents

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anaerobic decomposition. The Chikamori sheet is a water barrier sheet (4) with small patches, or windows (1,2,3), of air permeable material.

The claimed invention comprises a completely different structure and functions in a completely different manner than the Chikamori device. Specifically, the claimed invention comprises a cover for contained aerobic decomposition, or composting, of waste and other biodegradable materials. The unique claimed articles of this invention combine the claimed air permeability with a low resistance to evaporative transmission (Ret), which combination allows the controlled aerobic degradation of materials which has heretofore not been achieved in the teachings of the prior art.

Accordingly, applicants submit that Chikamori neither discloses nor suggests the novel combination of features of the claimed invention. For these reasons, applicants submit that none of claims 10-12 or 15-17 are anticipated or disclosed by Chikamori, and applicants submit that this rejection should be withdrawn.

III. Conclusion

For the foregoing reasons, the present invention as defined by claims 10-12 and 15-17 is neither taught nor suggested by the cited reference. Accordingly, applicants believe that the claims are in form for allowance.

If further questions remain, applicants request that the Examiner telephone applicants' undersigned representative.

Respectfully submitted,

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